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SENATOR BAYARD'S
ORATION on DANIEL WEBSTER,

— AT —

DARTMOUTH COLLEGE.



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J. F. Bayard
ORATION

PRONOUNCED ON

WEBSTER COMMEMORATION DAY

JUNE 28, 1882

AT

DARTMOUTH COLLEGE

NEW HAMPSHIRE

BY HON. THOMAS F. BAYARD, LL. D.

CONCORD

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1882

ADDRESS.

It has been a hundred years since, in an humble farm-house in the town of Salisbury, in Hillsborough county in this state, Daniel Webster was born. It was an American homestead of one hundred and sixty acres, that “quarter-section” so well known to the land laws of the United States.

There this great typical American first saw light. There first he learned from a pious mother’s lips the letters of the language that in later days, by speech and writing, he was destined to adorn. From that mother’s teachings he imbibed in tender infancy those vital truths of religion and morality which formed the basis of his character, and to-day give strength and permanence to the immortal part that survives.

The history of his intellectual and physical growth, amid the hardships and obstructions of poverty, obscurity, and embarrassments, has been given so often heretofore, by the hands of many biographers, that I do not pause to repeat it. Suffice it to say, that the profound principle of growth against difficulties and because of difficulties, of the reaction which is instigated by pressure, of the excellence that is developed in battling with the counter-currents of life, was strikingly illustrated in this case; and that,

cradled in adversity, he learned to cope with and overthrow it; that, spurred by necessity, he was taught to outrun its torments; and that thus his weakness was educated into strength, moral, mental, and physical.

Leaving the detailed history of his earlier life, I come with him to the door of Dartmouth college, the nursing mother of his great faculties, for whom, we are told, twice he wept,—once in early childhood, when, riding along with his father, he was informed that he should here receive a collegiate education, and then, laying his head in silence upon the strong shoulder of his parent, he shed tears of joy in anticipation of Dartmouth; and on another day long after, when, standing in the supreme court of the United States, in the prime of his intellectual manhood, to plead the cause, to champion the privileges, to sustain the rights of Dartmouth, after he had shattered the pretensions of her adversaries, had vindicated her claims, and carried her cause in all the triumph of law and logic, of argument and persuasion, before a wondering and captivated court, he paused for a moment, folding the wings of his mighty mind, and listening to the beatings of a loving heart, he once again mingled his tears with the name and memories of the “little college,” with the words, “But, sir, there are those who love it.”

He was a true son to Dartmouth, from whose portals eighty-one years ago he walked forth, trained and equipped with whatever of skill and learning he had gathered in these halls, to enter the great battlefield of Life.

His active service in the cause of his country, as a soldier of her constitution, her laws, and her general welfare, lasted rather more than half a century. The bugle seldom sounded truce with the enemy, and if he heard, he certainly never heeded, the signal for retreat; and faithfully and bravely he carried the colors of the Union and the Constitution until the 24th of October, 1852, when the Great Captain gave him his honorable discharge.

You all well know, and it would be idle for me in such an assemblage to repeat, the history of his early professional career as a lawyer, and how he toiled up that rugged ascent, over which there is no royal road, until he reached the high table-lands of thought and action, and enrolled his name as an advocate and jurist among the "singular few" known as great lawyers.

It was indeed a rugged road, and to many a pitiless storm he opposed his breast. When a mere youth, and before he left these halls, he superintended the edition of the Dartmouth Gazette, and for months after he left here taught school, recorded deeds for a pittance, shared that pittance with his brother Ezekiel, and relieved the burdens of his family.

In 1805 he opened his law office in Boscawen, and two years later moved to Portsmouth.

In 1808 he married Grace Fletcher, his loving and faithful consort thereafter, and until her death in 1828.

In 1812 he was first elected to Congress, and again in 1814. Then, conscious that he needed a more extensive theatre for the exercise of his professional

abilities, he removed to Boston, doubting, we are told, whether that city would give him the scope for professional occupation and a much needed income, or whether Albany would not be the better place for both. By his decision then made, the "Empire State" lost, and the "Old Bay State" gained, the honor of enrolling Webster among her adopted sons.

From 1816 to 1822 he was, as much as Webster could be, in private life, sedulously devoted to his profession, naturally, and without question stepping into its foremost rank, until he stood confessedly at its very head.

In 1820 he served as a member of the convention to amend the constitution of Massachusetts, and in other ways his counsel was given to the public service.

In 1822 he was elected to Congress from Boston; in 1827 was chosen a Senator of the United States from Massachusetts. And thereafter, as Senator or as Secretary of State, he remained in the service of the whole country until his death.

Nine years a member of the House of Representatives, nineteen years a Senator of the United States, five years in the Cabinet;—and before the work of these years, so unselfishly and generously dedicated to public service, is examined, let me for a time dwell upon his career and example as a lawyer.

The loftier and grander the towering superstructure, the deeper and broader must the foundations be, although out of sight and often out of mind; and the just renown of Mr. Webster as a jurisconsult and advocate, was based upon a study of history and of

the law as painstaking and thorough as is recorded of any man of high rank in the profession whose distinction is confined solely to excellence in that profession.

His labor in the preparation of his cases was remarkable, and nothing was left to the chance inspiration of a mind of whose great powers he was necessarily conscious, and upon which he might naturally have been disposed to rely without the aid of the drudgery of collation and annotation of authorities.

No one could describe this better than he did himself in 1806 :

Study is the grand requisite for a lawyer. Men may be born Poets, and leap from their cradles Painters. Nature may have made them Musicians, and called on them only to exercise and not to acquire ability : but Law is artificial.

It is a human science to be learned, not inspired. Let there be a genius for whom Nature has done so much as apparently to have left nothing for application, yet to make a lawyer application must do as much as if Nature had done nothing.

Of his painstaking habits of study he also tells us :

In addition to books on the common and municipal law, I read Vattel for the third time, Ward's Law of Nations, Lord Bacon's Elements, Puffendorff's Latin History of England ; Gifford's Juvenal, Boswell's Tour to the Hebrides, Moore's Travels, and many other miscellaneous things (Gibbon's Life and Posthumous Works, Paley's Natural Theology). *But my main study was the common law*, especially the parts in it which relate to special pleading. Whatever was in Viner, Bacon, or other books then usually studied, I paid my respects to. Among other things, I went through Saunders's Reports, the old folio edition, and abstracted and put into English out of Norman French the pleadings of all his reports.

If "Genius" be "nothing more than a capacity for labor," we have here an illustration.

From the fact that as a statesman he displayed such thorough and masterly comprehension of the principles of law and government as arranged in the federal constitution, he is most frequently and perhaps justly signalized as a great constitutional lawyer, or, in more sonorous phrase, "Expounder of the constitution," but had he never entered Congress, his eminence as a criminal lawyer, as a pleader, as a common lawyer and master of commercial law, would have made him great among the greatest in the profession. On all sides, alike from professional associates and adversaries, from the bench and bar, contemporaneous with his career, we find expressions of wonder and respect for his powers and capacities in every department in which he was called upon to exert them.

He encountered the foremost lawyers of his day,—men whose lives had been devoted solely to their profession, and whose footsteps had never strayed from that narrow path and single purpose; and yet it may justly be said, that, even at the bar and among such, he seldom met his equal and never his superior.

While his shrewdness and quick wit at times surprised even his associates, there was not the slightest trace of the dry, sharp lawyer seeking to gain his case by fine points and "case hunting." His arguments were underlaid by a wide knowledge of the history of law, and illuminated and elevated by sound ethics and philosophy.

Mr. Webster's arguments did not merely decide

cases, they also settled principles. The Dartmouth College case was decided by Chief-Judge Marshall in accordance with the propositions advanced in his argument, and by it was established the inviolability of the contracts contained in public charters, upon which so vast an amount of invested property has reposed from that day to the present in security from legislative hostility or caprice.

The control of commerce by the national government, uninterrupted by local obstruction or state grants of monopoly, was placed beyond question in the case of Gibbons against Ogden. Fourteen years later, in a speech in the senate, he thus re-stated with great force the result of the denial of uniform laws and regulations of commerce throughout the Union :

Sir, it will be a fact stamped in deep and dark lines upon our annals, it will be a truth which in all time can never be denied or evaded, that if this constitution shall not, now and hereafter, be so administered as to maintain a uniform system in all matters of trade,—if it shall not protect and regulate the commerce of the country in all its great interests, in its foreign intercourse, in its domestic intercourse, in its navigation, in its currency, in everything which fairly belongs to the whole idea of commerce, either as an end, an agent, or instrument,—then that constitution will have failed, utterly failed, to accomplish the precise, distinct, original object in which it had its being.

In matters of trade we are no longer to be Georgians, Virginians, Pennsylvanians, or Massachusetts men. We were to have but one commerce, and that the commerce of the United States. There were not to be separate flags waving over separate commercial systems. There was to be one flag, the *E PLURIBUS UNUM*; and toward that was to be that rally of united interests and affections which our fathers had so earnestly invoked.—[Speech on Sub-Treasury, U. S. Senate, Jan. 31, 1838. Vol. 4, pp. 495-96.]

In the case of United States against McCulloch, the exemption from taxation, by a state, of the instrumentalities of the federal government was first settled upon the basis of the doctrines advanced by him as counsel for the bank.

Although he was never a member of the judicial branch, yet the student of American history will not fail to associate the name and influence of Webster with those of Marshall and Taney, in assisting "to clothe with muscles the skeleton of the federal constitution," by means of sound judicial interpretation of the instrument itself.

The methods of Mr. Webster's practice at the bar, even from his earliest years, proved that he regarded the law as a science and not as a trade; as a liberal profession, and not a mere money-getting occupation. The New Hampshire blacksmith, whose title to his little farm depended upon the interpretation of a will that left it in doubt whether an executory devise or a contingent remainder had been created by the text, found as ardent, faithful, and skilful a counsellor in the young lawyer who spent many times the amount of his fee in travelling to and from Boston, and in procuring from England the necessary authorities—and who at the end of three years' labor was paid "fifteen dollars" by his successful client—as did the four distinguished lawyers of New York, who, twenty years after, paid him a fee of greater value than the blacksmith's little farm, for deciding questions controlling the title to a great estate, upon the basis of the very brief that had settled the New Hampshire will.

But I find myself entering upon the interesting

but well trodden field of biography, and, however unwillingly, must pass on to the execution of the purpose with which I came here, which, briefly stated, is, to read the lesson to his countrymen conveyed by the teaching and example which have survived what was mortal of Daniel Webster,—and within the walls of this college, whose name is imperishably linked with that of her most distinguished son and graduate, to renew on this centennial anniversary of his birth a sense of the honor and gratitude due from the people of the United States to him who, in the words of Joseph Hopkinson of Philadelphia (his associate in the trial of the famous cause),

“REFOUNDED DARTMOUTH COLLEGE, ANNO DOMINI, 1818.”

As this is also the season of your Commencement, and from your classes young graduates are passing forth to-day, to join in the active duties and occupations of American citizenship, a suggestion may not be unwelcome to them, nor uninstructive, as to what portion of his life's labor an American citizen should bestow upon the active support of the political system, under whose laws he expects to find security for the protection of the results of his exertions, as well as his personal liberty and safety.

Under our arrangement of society we have no select class upon whom we cast the responsibilities and invest the privileges of governing the rest. Of hereditary powers we have none, at least so far as individuals are concerned (I say nothing of those “artificial persons” styled corporations), and no privileged individuals or class are charged with those

great and important duties of maintaining law and order, on a basis of civil and religious liberty essential to all civilized communities.

The interests to be considered are neither less in magnitude, nor less important in every aspect to us as citizens of this great family of republican states, than if their care was entrusted to a class of rulers and officials procured by other methods than those of popular election. In fact, my fellow-countrymen, in proportion as we have embarked upon a system founded on the broadest basis of popular suffrage, we have increased the difficulties, growing out of the need of consulting so extended a body of counsellors ; and for the dignity and freedom of our American citizenship, we must pay the price of a diligent and laborious attention to the conduct of our public affairs, which involves a large subtraction from the time and labor we would otherwise be justified in devoting to our private and personal pursuits.

If men of intelligence, ability, and character in this country feel there is nothing incumbent upon them in the way of service to the republic, and that the control of the powers, resources, and obligations of the government, may safely be abandoned to those who interest themselves solely because of the personal emolument and powers attendant upon official position, the future is indeed gloomy, and the end of such a system cannot be far distant nor doubtful.

But what answer should the heart of every American give to this ?

Who so cold and base as to contemplate our republican form of government, with all its noble

and generous equities to mankind,—this fair fabric of civil and religious liberty, enshrined in the living words of our charter of union and government,—and not admit, nay, not earnestly proclaim, that for a republican citizen to neglect his public and political duties, to fail to keep his watch faithfully on the ramparts of the Constitution, is a just cause of shame and of reproach?

The longer I live, and the more the horizon of my comprehension of the powers and duties of American citizenship is expanded, the greater seem to me its difficulties, but even greater still its value.

When I hear intelligent men, who by the very aid of free institutions have expanded their energies in such directions as their own free will and consciousness of power, and adaptation dictated, and have gained wealth, and the influence that wealth and success bring ever in their train; when I hear such men criticise contemptuously political duties and occupations, and affect to sneer at those who zealously, and to the best of their ability, however imperfectly, are carrying on the duties of legislation, or the adjudication or the execution of laws, I am filled with mingled sorrow and resentment.

And when an interest in political contests is indicated, not by a study of the merits of such controversies, not by an attempt carefully to discover on which side lies the balance of right and public interest, but by pecuniary contributions to the “party fund” to strengthen the power of the bribe-giver and office-broker, and to debauch and further degrade the bribe-taker and unfaithful citizen,—and

this, probably, in order to gratify a personal or party prejudice, or to fasten the chains of some unequal and unjust law upon the great tax-paying body of our fellow-countrymen,—all this I denounce as plutocracy, and not republicanism.

And when in such seasons I look around for a counteracting force, for some voice, some counsel, which shall awaken American conscience to the performance of the duties of American citizenship, what name springs in quicker response to our lips than that of Daniel Webster? For who, more than he, was, and still is, an exemplar of American citizenship?

He lived the years allotted to man—three score and ten—and gave a full half-century to the public service and the preparation for that service;—not for a part of his country, not alone for these granite hills, amid which his

“* * careless boyhood strayed,
A stranger yet to pain,”

and which he loved so tenderly and well, nor for the old Bay State, on whose borders his mortal frame sleeps in peace, lulled by the distant voice of the great sea, but for the union of all the states—the *United States*.

Mr. Webster, as we have seen, had assured and abundant success in his profession as a lawyer. A comparatively few years in its uninterrupted pursuit would have given him a competence, perhaps affluence, to protect him from the embarrassment and annoyance to which the neglect of his private

interests subsequently subjected him. As no man stood higher in his profession, so no man was more sought after than he, and the current of pecuniary reward which flowed rapidly in upon him was only checked by his engagements in the public service.

There is a lesson in his history which should prove to every young man, however vigorous and conscious of ability and sanguine of success, that he cannot safely disregard the inevitable results of living beyond his means. As Gulliver was bound helpless to the earth by the infinitesimal threads of his pigmy adversaries, so many a mighty man may find himself caught and shackled by the petty conventionalities and needs of the society in which he moves, and the station in which he is placed, and which, considered separately, may be trivial indeed, and yet, combined, prove irresistible in their cruel power.

Fortune may place him beyond such cares; and happy for him and the constituency and country he seeks to serve if this be so. But should he heed the call to public service, and be unprovided with the private means to defray the incidental and almost inevitable expenditures of public station, he must move with care and constant watchfulness; he must cultivate his ideals carefully, and make up his mind to a great deal of plain living, with high thinking.

Herein lies a lesson which any youth starting on his journey will do well to learn.

I have always been greatly impressed by the great English moralist, who was a graduate in the harshest school of adversity and poverty, and *haut inexpertus* declared :

* * * Do not accustom yourself to consider debt only as an inconvenience; you will find it a calamity. Poverty takes away so many means of doing good, and produces so much inability to resist evil, both natural and moral, that it is by all virtuous means to be avoided. Consider a man whose fortune is very narrow: whatever be his rank by birth, or whatever his reputation by intellectual excellence, what can he do, or what evil can he prevent? That he cannot help the needy is evident; he has nothing to spare. But perhaps his advice or admonition may be useful. His poverty will destroy his influence: many more can find that he is poor than that he is wise, and few will reverence the understanding that is so little advantage to its owner. I say nothing of the personal wretchedness of a debtor, which, however, has passed into a proverb. Of riches it is not necessary to write the praise. Let it, however, be remembered, that he who has money to spare has it always in his power to benefit others; and of such power a good man must always be desirous.—[Boswell's Johnson, Croker's edition, vol. 8, p. 137.]

He who overrates money, and becomes its slave, is well-named miser, for miserable indeed is his servitude. He who underrates its value, or has failed to learn it, is greatly to be pitied; and, conscious of the importance of its lessons, I venture again to cite Dr. Johnson, when he dignifies the discussion in another letter:

When the thoughts are extended to a future state, the present life seems hardly worthy of all those principles of conduct and maxims of prudence which one generation of men has transmitted to another; but upon a closer view, when it is perceived how much evil is produced and how much good is impeded by embarrassment and distress, and how little room the expedients of poverty leave for the exercise of virtue, it grows manifest that the boundless importance of the next life enforces some attention to the interests of this.—[Ibid, p. 140.]

I would not wish the generation now coming into

public life, and into whose hands its duties and responsibilities must soon be entrusted, to underrate the penalties of public service, and the price often-times paid for the enjoyment of public honors, in which catalogue so often may be placed loss and disorder to private fortune, and becoming unfitted for other labors as a means of livelihood.

After Mr. Webster, responding to the call of his fellow-citizens, entered Congress, and commenced a career so full of usefulness and honor to his country, his attention to his private and professional affairs was necessarily lessened, and became merely incidental to his great and primary duties to the republic. The more sedulously he labored for the public, the more he was compelled to neglect his private interests. During the period of his congressional service, he never received as much annual pay as is now given by law to the clerks of congressional committees. Little wonder, therefore, that he soon became pecuniarily straitened and painfully embarrassed in the midst of severe and constant labors,—which the records of debate and legislation attest,—the fame of which has gone all over the civilized world, and the benefits of which remain with us to-day.

Slanders, cruel, unjust, and ignorant, assailed his reputation ; they stung his generous heart when he was alive, and were uttered in strange and fruitless malignity above his grave.

Even contemporaneous history records how easily these unworthy mists, rising from the unwholesome low-grounds of party and personal prejudice and envy, were dispelled by the rays of truth ; yet even

now, when we see these shafts of detraction lying in fragments around the base of the statue of his great fame, against which they shattered themselves in vain, it is impossible to read without sorrow, commingled with burning indignation, the history of such rank injustice and ingratitude. Ingratitude, I say, for, if Mr. Webster was poor in this world's goods, what made him so?

He was in the admitted control of a lucrative practice in his profession, and, if it had been continued for even twenty years, undisturbed and undistracted by public occupation and services, an ample supply would have been accumulated for the generous open-handed measure of his love of literature, his charities, his beneficence and hospitality; for such were the objects of his expenditure. I have never been able to contemplate without a pang this grand man, so filled with noble aspirations, gifted with such predominant faculties, animated with so genuine a love for his whole country,—a love as warm as the ruddy drops that visited his sad heart,—without recalling the pain, mortification, and annoyance to which he was subjected for the lack of money and a little prudence in the management of those expenditures, for which his unselfish and uncalculating devotion to public service had alone prevented the supply.

It is a lesson, and one the country would do well to consider to-day—the need of pecuniary independence for public men. It is not confined to this country, for one of the ablest and most brilliant men of the century has felt it, and thus portrayed it in a letter which I will read.

At the age of thirty-three, when a member of parliament, and in the cabinet of Lord Grey, Thomas Babington Macaulay wrote :

DEAR LORD LANDSDOWNE :

I delayed returning an answer to your kind letter till this day, in order that I might be able to send you definitive intelligence. Yesterday evening the Directors appointed me to a seat in the council of India. The votes were nineteen for me and three against me.

I feel that the sacrifice which I am about to make is great, but the motives which urge me to make it are quite irresistible. Every day that I live I become less and less desirous of great wealth. But every day makes me more sensible of the great importance of a competence. Without a competence it is not very easy for a public man to be honest ; it is almost impossible for him to be thought so. I am so situated that I can subsist only in two ways,—by being in office, and by my pen. Hitherto literature has been merely my relaxation,—the amusement of perhaps a month in the year. I have never considered it as the means of support. I have chosen my own topics, taken my own time, and dictated my own terms. The thought of becoming a bookseller's hack ; of writing to relieve not the fulness of the mind, but the emptiness of the pocket ; of spurring a jaded fancy to reluctant exertion ; of filling sheets with trash merely that the sheets may be filled ; of bearing from publishers and editors what Dryden bore from Tonson, and what, to my own knowledge, Mackintosh bore from Lardner, is horrible to me. Yet thus it must be if I should quit office. Yet to hold office merely for the sake of emolument would be more horrible still. The situation in which I have been placed for some time back would have broken the spirit of many men. It has rather tended to make me the most mutinous and unmanageable of the followers of the Government. I tendered my resignation twice during the course of the last session. I certainly should not have done so if I had been a man of fortune. You, whom malice itself could never accuse of coveting office for the sake of pecuniary gain, and whom your salary very poorly compensates for the sacrifice of ease and your tastes to the public service, cannot estimate rightly the feelings of a man

who knows that his circumstances lay him open to the suspicion of being actuated in his public conduct by the lowest motives. Once or twice, when I have been defending unpopular measures in the House of Commons, that thought has disordered my ideas and deprived me of my presence of mind.

If this were all, I should feel, for the sake of my own happiness and my public utility, a few years would be well spent in obtaining an independence. But this is not all. A family which I love most fondly is dependent on me. Unless I would see my father left in his old age to the charity of less near relations, my youngest brother unable to obtain a good professional education, my sisters, who are more to me than any sisters ever were to a brother, forced to turn governesses or humble companions, I must do something. I must make some effort. An opportunity has offered itself. It is in my power to make the last days of my father comfortable, to educate my brother, to provide for my sisters, to procure a competence for myself. I may hope by the time I am thirty-nine or forty to return to England with a fortune of thirty thousand pounds. To me that would be affluence. I never wished for more.—[Life and Letters of Lord Macaulay, vol. 1, p. 343.]

Would it not be equally just to censure a soldier, blinded and crippled on the field of battle in defence of his country, for his want of eyesight and activity, as to blame a patriot like Webster for his want of means to meet those obvious, ordinary, and proportionate expenses of his high official station, and because he had turned his back upon private gain and pursued only public duty?

If Webster was poor in this world's goods, it was for our sakes he remained so; and if a few considerate friends with delicacy and liberality drew from their own means a sum to form an annuity for his support, let us admit ourselves to be their debtors, because they simply did that which it was equally our

duty to have done. Webster's poverty is but a monument to his personal integrity and unselfishness. To his fellow-countrymen I can but feel it savors rather of reproach.

But it is not Webster, the lawyer, upon whose name and fame I would chiefly dwell; it is Webster, the counsellor of state, the influence of whose character and public principles I wish to revive and strengthen in the hearts of his countrymen.

He was born in New Hampshire, and he died in Massachusetts; but he lived and died with a love for his whole country that never knew state lines, nor paused upon the imaginary boundaries of sections.

Nature had gifted him with great powers of mind, coupled with warm and generous feelings. His intellect enabled him to comprehend the mighty and manifold interests of humanity contained within the Federal Union, and his heart was large enough to embrace them all. Before, or since Webster, New England has had no such champion or representative, but he gained no victory for her at the cost of other portions of his country; and in all the loving praise and manly defence of his own home, in no speech or letter, wherever uttered or written, not a thought or expression belittling or derogatory to reputation, or wounding to the self-love of any other portion of his fellow-countrymen, have I found. He had realized the truth and wisdom of the words of "Junius:"

Injuries may be atoned for and forgotten; insults, never. They degrade the mind in its own esteem, and force it to recover its level by revenge.

He looked upon his countrymen in every section of the Union as his kindred and never as his rivals, and his mind and heart held them ever in a large and loving embrace.

He stood upon the high lands of thought and feeling, and never could be induced to approach any question from a low point of view. His area of vision was large, and in its scope embraced his entire country; and high above the passions of party and the prejudice of localities he stood, in calm and deliberate survey of the vast and varied interests before him, and the fuller his comprehension of their true value and magnitude, the higher grew the patriotic aspiration to guard them faithfully and keep them whole. No mind in America knew better the true value of the Union to the states that composed it and the people who inhabited it; none recognized more fully its capabilities for the advancement of human happiness. No one saw with clearer and more jealous eye the dangers that threatened it, and no one ever dedicated with less reserve every power and faculty he possessed to its protection, preservation, and perpetuation, than Daniel Webster.

He saw the infinite diversity of climate, soil, production, and human occupation. He saw that character is moulded and formed by habit and pursuits, that diversity of production caused an apparent diversity and clash of interest, and therefore he never ceased to invoke and inspire a spirit of comity and amity among his countrymen, as the prime essential in the settlement of their differences and the administration of their combined interests.

Underneath the strife of parties, obscured often by their passions, deep down in the American heart is a love of the whole country. Statutes did not place it there, statutes cannot evoke it, but it is the root, *fons et origo*, of our strength and safety as a people.

The man who would lessen it, the man who would weaken it by his derision or distrust, the man who does not respect and value it, is not fit to lead his countrymen, or rule over any portion of them.

It is because Mr. Webster never failed to cherish it, because he never ceased to love it and proclaim his love in the face of sneers and fanatical sectionalism, because it ever welled up in his heart and influenced his every utterance, that I am here to-day to urge and assist the revival and continuance of the influence of his teachings and example, and point out what I believe to be the true origin of his strength and sweetness,—the real bases of his fame that still

“smells sweet, and blossoms in the dust.”

Mr. Webster was a statesman living under a written constitution of government, and his creed may neither be stated in a breath nor condensed into a phrase. It would be as delusive as it is unjust to try such a man by phrases torn from their context, and by chance expressions, without interpreting them by the general meaning which surrounds them. But as to some meanings there is no doubt; and that Mr. Webster was the soldier of the constitution, because it created and continued the government of “a more

perfect *Union*," is as fixed as the everlasting hills of his native state.

With a vision that was prophetic he witnessed the growing alienations of his countrymen, and the dangers to the Union which they threatened. These apprehensions clouded his anticipations, and the recorded and reiterated warnings and deprecations against sectional animosities that burst from his lips and were poured from his very heart, are almost countless. They form part of his history, and, read now and hereafter, they will ever attest the sagacity and accuracy of his mental vision, and the depth and sincerity of his patriotism.

But my words are poor to express his feelings, and I shall not apologize when I present the familiar portrait of Daniel Webster, drawn by his own hand.

These crystals of thought and feeling are gathered at random from the quarries of political wisdom contained in his recorded speeches, and the key-note to which his utterances are attuned was pitched ever in harmony with the loftiest strains of patriotic devotion.

Mr. President, I am a Northern man. I am attached to one of the states of the North by the ties of birth and parentage, by the tillage of paternal fields, by education, by the associations of early life, and by sincere gratitude for proofs of public confidence early bestowed. I am bound to another Northern state by adoption, by long residence, by all the chords of social and domestic life, and by an attachment and regard springing from her manifestations of approbation and favor, which grapple me to her with hooks of steel. And yet, sir, with the same sincerity of respect, with the same deep gratitude, the same reverence and hearty goodwill with which I would pay a similar tribute to either of these states, do I here acknowledge the commonwealth of

Virginia to be entitled to the honor of commencing the work of establishing this Constitution. The honor is hers : let her enjoy it ; let her forever wear it proudly : there is not a brighter jewel in the coronet that adorns her brow. Let this resolution stand, illustrating her records and blazoning her name through all time!—[Speech on the Sub Treasury, in U. S. Senate, Jan. 31, 1838. Vol. IV, p. 494.]

And when, in 1837, he advocated the purchase of the Madison papers, he thus painted in language the spirit which created and can alone preserve the Constitution of the Union :

It may throw much light on the early interpretation of the Constitution, and on the nature and structure of our government. But while it produces this effect, it may do more than all other things to show to the people of the United States through what conciliation, through what a temper of compromise, through what a just yielding of the judgment of one individual to that of another, through what a spirit of manly brotherly love, that assembly of illustrious men were enabled finally to agree upon the form of a constitution for their country, and succeeded in conferring so great a good upon the American people.

And, going back to 1832, let me recall his memorable tribute to South Carolina and the men of worth she had contributed to the cause of liberty and independence :

I shall not acknowledge that the honorable member [from South Carolina] goes before me in regard for whatever of distinguished talent or distinguished character South Carolina has produced. I claim part of the honor, I partake in the pride of her great names. I claim them for countrymen, one and all,—the Laurenses, the Rutledges, the Pinckneys, the Sumpters, the Marions,—Americans all, whose fame is no more to be hemmed in by State lines than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and

generation they served and honored the country and the whole country ; and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself bears,—does he esteem me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light of Massachusetts instead of South Carolina ? Sir, does he suppose it in his power to exhibit a South Carolina name so bright as to produce envy in my bosom ? No, sir, increased gratification and delight, rather. I thank God that if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit which would drag angels down. When I shall be found, sir, in my place here in the Senate, or elsewhere, to sneer at public merit because it happens to spring up beyond the little limits of my own state or neighborhood ; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country ; or if I see an uncommon endowment of Heaven, if I see extraordinary capacity and virtue, in any son of the South, and if, moved by local prejudices or gangrened by state jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth !

Sir, let me recur to pleasing reflections ; let me indulge in refreshing remembrances of the past ; let me remind you that, in early times, no states cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return ! Shoulder to shoulder they went through the Revolution, hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation, and distrust are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

And how can the tribute to South Carolina and her sons be separated from that he paid in the same great speech to Massachusetts, the state of his adoption ?

Mr. President, I shall enter on no encomium upon Massachusetts: she needs none. There she is: behold her, and judge for yourselves. There is her history: the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons, falling in the great struggle for Independence, now lie mingled with the soil of every state from New England to Georgia; and there they will lie forever. And, sir, where American liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it, if party strife and blind ambition shall hawk at and tear it, if folly and madness, if uneasiness under salutary and necessary restraint, shall succeed in separating it from that Union by which alone its existence is made sure, it will stand, in the end, by the side of the cradle in which its infancy was rocked; it will stretch forth its arm with whatever of vigor it may still retain over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.—[Second speech on Foot's Resolution in U. S. Senate, Jan. 26, 1832. Vol. 3, pp. 316-317.]

Here, again, in a speech in the senate in 1838, he repeats his political creed:

I came into public life, sir, in the service of the United States. On that broad altar my earliest and all my public vows have been made. I propose to serve no other master. So far as depends on any agency of mine, they shall continue United States—united in interest and in affection—united in everything in regard to which the Constitution has decreed their union; united in war, for the common defence, the common renown, and the common glory; and united, compacted, knit firmly together in peace, for the common prosperity and happiness of ourselves and our children.

And, again, in the same speech, from the fulness of his heart, he declares,—

Sir, the spirit of union is particularly liable to temptation and seduction in moments of peace and prosperity. In war this spirit is strengthened by a sense of common danger, and by a thousand recollections of ancient efforts and ancient glory in a common cause. But in the calms of a long peace, and in the absence of all apparent causes of alarm, things near gain an ascendancy over things remote. Local interests and feelings overshadow national sentiments. Our attention, our regard, and our attachment are every moment solicited to what touches us closest, and we feel less and less the attraction of a distant orb. Such tendencies we are bound by true patriotism, and by our love of union, to resist. This is our duty ; and the very moment, in my judgment, has arrived when that duty should be performed. We hear, every day, sentiments and arguments which would become a meeting of envoys employed by separate governments, more than they become the common legislature of a united country. Constant appeals are made to local interests, to geographical distinctions, and to the policy and the pride of particular states. It would sometimes appear as if it were a settled purpose to convince the people that our Union is nothing but a jumble of different and discordant interests, which must, ere long, be all resolved into their original state of separate existence ; as if, therefore, it was of no great value while it should last, and was not likely to last long. The process of disintegration begins by urging as a fact the existence of different interests.

Sir, is not the end to which all this leads ~~us~~ obvious ? Who does not see, that, if convictions of this kind take possession of the public mind, our Union can hereafter be nothing, while it remains, but a connection without harmony, a bond without affection, a theatre for the angry contests of local feelings, local objects, and local jealousies ? Even while it continues to exist in name, it may by these means become nothing but the mere form of a united government. My children, and the children of those who sit around me, may meet, perhaps, in this chamber, in the next generation ; but if tendencies now but too obvious be not checked, they will meet as strangers and aliens. They will feel no sense of common interest or common country ; they will cherish no common object of patriotic love. If the same Saxon language shall fall from their lips, it may be the chief proof that they belong to the same nation. Its vital prin-

ciple exhausted and gone, its power of doing good terminated, the Union itself, become productive only of strife and contention, must ultimately fall, dishonored and unlamented. —[Speech on the Sub-Treasury, U. S. Senate, Jan. 31, 1838. Vol. 4, pp. 496-7.]

From amid the many earnest and impressive counsels he gave his countrymen, I select also a letter to the citizens of Medford, Mass., written in June, 1850, after his famous speech of March in that year :

This government is founded on the union of the States, which union is established, defined, and sanctioned by the Constitution of the United States. And, gentlemen, I can conceive no rashness or folly greater than that which would either seek to overturn this Constitution, or, by unprincipled agitation, by heated local controversies, or angry mutual criminations and recriminations between different parts of the country, would effectually weaken the bonds which hold the Union together. It has been, it is, and it will be my great object to preserve and strengthen the Union, to establish it deeper and stronger in the regard and affection of the people. I wish to see all the powers vested in the government by the Constitution administered with so much prudence, impartiality, and patriotism, that every State, and all the people of every State, should feel profoundly that the union of the States, as now existing, is honorable, useful, and indispensable to the prosperity of every part of the country. And with this purpose always uppermost in my mind and always filling my heart, I studiously avoid useless local controversies, useless abstract questions, and everything else which unnecessarily exasperates, embitters, or wounds the feelings of any portion of the United States.

I have thus freely called upon Mr. Webster to speak for himself upon the great question that lay nearest his heart, and which controlled every faculty he possessed, moral, physical, and intellectual,—the preservation and perpetuation of the union of the

American states. As I believe there never was a cause in the history of man more worthy of human effort to sustain it, so also do I believe that no cause had ever such an advocate!

Unless the elevation and true progress of mankind, on the basis of absolute liberty, civil and religious, has been heretofore sought to be secured under a written constitution, based upon a recognition of the higher and nobler attributes of human nature, I am surely justified in claiming the highest place for our Federal Constitution of government, in the world's history of man's attempts to establish the eternal principles of justice and right in human affairs.

However copiously I have drawn upon Mr. Webster's recorded utterances in advocacy of the Union, I still feel reluctance in ceasing to do so. The truth, the honesty, the dignity, the wisdom and force transparent in them all, all clad in the strong, simple, English garb of speech, constitute, to my mind, the highest type of American eloquence bestowed upon the grandest of American themes.

The influences of Mr. Webster's counsels, and the moral forces which he set in motion all over the country, are easily to be traced in the history of his times, and exist to-day.

It cannot well be doubted that the settlement of many a question as to the extent of the constitutional powers of the government, by which it maintained its peaceful ascendency, was due in a large measure to his arguments in the Senate and the forum.

His speeches on Foot's resolution, in 1832,

marshalled the opinion of the entire North, and a majority of the people everywhere, against the doctrine of nullification, and consequent disruption of the Union under that claim of alleged right.

His counsels of amity, his never-failing opposition to sectional animosity, his constant encouragement to mutual and kindly trust and brotherhood between the distant and diverse populations of his countrymen, combined with his warnings of the dangers of dissolution and the impossibility of its peaceful accomplishment, did, as I believe, and as I claim the sequel has proven, more than any other single force, postpone until nearly a generation after his death the dreadful collision which in 1832 he so earnestly prayed his eyes might never witness ; and when in the providence of God the blow fell, it was to the spirit of union and nationality which he had so steadily inculcated, that we owe the reëstablishment in peace of the admitted power of our government over these United States and people.

And was his patriotic and prophetic vision at fault ? Have not his warnings all been but too sadly vindicated ? Who was right in 1850, Webster when he said,—

Peaceable secession is an utter impossibility. * * I will not state what might produce the disruption of the Union, but, sir, I see as plainly as I see the sun in Heaven what that disruption must produce ; *I see that it must produce war, and such a war I will not describe in its two-fold character !*

Let us raise our conceptions of the magnitude and the importance of the duties that devolve upon us ; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destinies ; let us not be pygmies in a cause that calls for men.

or was it the most eloquent and unrelenting of his detractors and adversaries, who above Webster's grave declared,—

there was not any danger of a storm, not a single cat-s-paw in the sky, not a capful of bad weather between Cape Sable and the Lake of the Woods.

and those who repeated and scattered far and wide such rhapsodies of phrensic injustice and proofs of mental blindness?

Read the utterances of Webster, so full of prophetic and affectionate warning to his countrymen from the day he entered congress, growing more clear and emphatic with each repetition, until death silenced his eloquent tongue and stilled his noble heart. Read, I say, everything he wrote or spoke, from 1830 to 1852, by the lurid light of the war of secession in 1861, and say who was the seer, the prophet, the true statesman,—Webster, or those who mocked and scoffed at his entreaties and warnings! And when at last the dread collision came, when the curtain *did* rise and disclose to our eyes

states dissevered, discordant, belligerent, and a land rent with civil feud, and drenched with fraternal blood,—

what spirit rose in the land to “conquer but to save”?

Was it the spirit of union, born of a realizing sense of the value and necessity of the Union as a source of peace and strength and safety to us all?

Was it the spirit of nationality, and the determination that our free government should not disappear

from among the family of nations, and from off the face of the earth?

Were not these the causes which had been so steadily, so faithfully, so eloquently championed and indoctrinated in the minds and hearts of his fellow-countrymen by Webster throughout his life, which saved and restored the Union?

And when now we

behold the gorgeous ensign of the republic, known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured, bearing for its motto that sentiment dear to every American heart, *Liberty and Union*, now and forever, one and inseparable,—

to whom and to whose teachings must we, under God, confess our great debt?

Was it love for the Constitution and the Union, or hatred of the Constitution and the Union, that sustained the war for the Union, and kept the States under a single government?

Let the military history of the conflict answer; let the memorial tablets in church and graveyard, in halls of education,—let all that records the names and heroism of the dead, and those heroes of the great conflict who still survive,—answer whether the spirit that saved the Union was not the same spirit that breathed through the speeches and writings of the dead patriot whose memory to-day we revere, whose public services we gratefully acknowledge, whose counsels we recall, and whose precepts we propose to follow and obey.

And now disunion and secession are words no longer to be found in the political vocabulary of America.

We have a reëstablished and secure Union, the blessings and advantages of which grow daily more apparent and more essential to the welfare and happiness of every citizen. To-day none shrink back more from the picture of an accomplished separation than those who twenty years ago earnestly sought to effect it; none admit more freely that it was "a political blunder worse than a crime."

The great moral question, the *causa causans* of strife between the sections, of crimination and recrimination, of those words of insult and imputation whose wounds were worse than poisoned arrows,—the institution of involuntary servitude of human beings,—the claim of legal ownership of man by man,—is settled and blotted out forever. Not a voice is heard lamenting its end, but everywhere in the late regions of negro slavery rises the universal chorus of thanksgiving and praise that it is gone, and forever.

And with universal freedom has come increased capacity for production; and great is the development of resources, and infinite the diversification of industries and pursuits. The prizes of such civilization are great, and fierce is the competition for them, and selfish and savage the contests of ambition for wealth and power under the newer manifestations.

The need for Webster and men of his type exists to-day, and ever will exist. Questions involving a restraint upon the exercise of governmental power

are before us to-day, and many threaten danger to our prosperity, and some the very existence of our form of government.

“Great Empire and little minds go ill together,” said Lord Bacon; and assuredly we do possess a “Great Empire” which we see too often ruled by “little minds.”

A system has grown up gradually, yet almost imperceptibly, in our government, which has reached a point of growth and power that enables it to overthrow the main objects for which our Constitution and laws were established, and to substitute a system which enables men once vested with official power to use that power as a stepping-stone for its own perpetuation and advancement, regardless of all changes in the condition of popular sentiment.

This is commonly known as the “spoils system,” and rests upon the dogma that the offices of a government are instituted for the emolument and advantage of the official, and the political party to which he belongs, and not for the public use and benefit.

With the growth of the country and development of its resources the expansion of the official corps has naturally followed, until to-day the civil service roll of the Federal government contains over one hundred thousand names; and, directly and indirectly connected with and dependent upon them and in the execution of their powers, it may safely be estimated there are five times as many more.

Under a system which disregards the fact that public service is the great end of office-holding, and

which substitutes the personal interest of the incumbent for that of the public, individual interests have organized under the name and forms of political parties, and a compact and drilled machine has been brought into existence, which, under the rules of party discipline, has become a "power behind the throne greater than the throne itself," and, unknown to our Constitution or any law, is actually more powerful in controlling our forms of elections than any power known to and defined by law itself.

Like everything else founded upon a false principle, its evil effects grow steadily, and gather strength from the very abuses which they create and perpetuate. The consequences are not simply a loss to the public from the presence of inefficient servants, but the utter destruction of those personal virtues of self-respect, integrity, and conscientiousness, which places every public interest in jeopardy.

Original appointment to office no longer depends on character, capability, or presumed or proven fitness; nor does the tenure depend upon fidelity and capacity, but unhesitating service as a political and personal partisan, to whom scruples of any kind will be only an encumbrance, has become the most reliable groundwork for success in procuring or retaining public office.

Thus gradually an army of mercenaries has been organized, who are strong enough to control conventions and nominating assemblies, set at defiance public opinion, and laugh to scorn public conscience.

The effect of such a system upon our elections is demoralizing and degrading in the extreme, as it

proceeds upon the doctrine that the official positions of the government are the spoils of party conquest.

The incumbents find the means of support for themselves and their families placed in jeopardy on the recurrence of each election,—

“you take my life,
When you do take the means whereby I live,”—

and, so believing, they fight as for their lives, and go through periodical seasons of anxiety and distress, demoralizing, disastrous, and distracting in the effects upon them and their performance of duty. Time and energy, which should be devoted to the public, are given to party ends, and the public money paid to them for public service is extorted from them by the party tax-gatherer, who spares neither age nor sex nor station, but bleeds all, from the cabinet-minister to the errand-boy and the woman who scrubs the steps. Opposed to this array we see a far more numerous, but less disciplined and organized, body of hungry seekers for office, savage with delay and disappointment, and furious for success.

In such a contest the natural excitements of political passions and clash of opinions are heated almost to frenzy, and all restraints of morality, honor, and legality are consumed and destroyed in the political furnace. From such scenes and controversies men of dignity, refinement, and self-respect naturally shrink, and a measurable excuse is thus furnished for the non-performance of political duties, of which we see so many of those whose criticisms are so fluent and unsparing are quick to avail themselves.

And places that should be filled by men possessing qualities that win and deserve private and public confidence are filled by adroit, scheming, unblushing manipulators, who scoff at personal dignity and self-respect, and avow themselves "practical politicians." These men deride the idea of conscience in politics, and scout every suggestion of purification and reform.

The impressive admonitions of Washington, repeated and renewed by Webster, fall upon unheeding ears ;—for what are the character and lives of such men as Washington and Webster but a standing rebuke to the class of men elevated to control by the system of official spoils ?

By the law of its being each member of the "political machine" is also its slave, whether he be its so-called "boss" and leader, or one of the humbler members. Personal independence, individual conscience, fidelity to honest conviction, weigh nothing and can avail nothing to the man enlisted in the spoils system of politics.

The evils are progressing, and each day public comprehension of the system and its results is increasing, as its dangers are unfolded.

One of these evils is the exclusion of men of self-respect and independence of character from the public counsels and from public service, by which the prime object of our system of free choice of their Representatives by the people is substantially defeated. The power that defeats is unknown to law, and therefore is uncontrolled by law.

These dangers are fortunately beginning to attract

public attention, and are well calculated to excite public alarm. In a less degree they existed in Mr. Webster's day, and in 1832 he called public attention to them in a speech before the convention at Worcester :

Mr. President, as far as I know, there is no civilized country on earth in which, on a change of rulers, there is such an *inquisition for spoil* as we have witnessed in this free republic. The inaugural address of 1829 spoke of a *searching operation* of government. The most searching operation, sir, of the present administration has been its search for office and place. When, sir, did any English minister, Whig or Tory, ever make such an inquest? When did he ever go down to low-water mark to make an ousting of tide-waiters? When did he ever take away the daily bread of weighers and gaugers and measurers? When did he ever go into the villages to disturb the little post-offices, the mail contracts, and everything else in the remotest degree connected with government? Sir, a British minister who should do this, and should afterwards show his head in a British House of Commons, would be received by a universal hiss.

I have but little to say of the selections made to fill vacancies thus created. It is true, however, and it is a natural consequence of the system which has been acted on, that, within the last three years, more nominations have been rejected on the ground of *unfitness* than in all the preceding forty years of the government. And these nominations, you know, sir, could not have been rejected but by votes of the President's own friends. The cases were too strong to be resisted. Even party attachment could not stand them. In some not a third of the Senate, in others not ten votes, and in others not a single vote, could be obtained; and this for no particular reason known only to the Senate, but on general grounds of the want of character and qualifications,—on grounds known to everybody else, as well as to the Senate. All this, sir, is perfectly natural and consistent. The same party selfishness which drives good men out of office, will push bad men in. Political proscription leads necessarily to the filling of offices with

incompetent persons, and to a consequent mal-execution of official duties. And in my opinion, sir, this principle of *claiming a monopoly of office by the right of conquest*, unless the public shall effectually rebuke and restrain it, will entirely change the character of our government. It elevates party above country ; it forgets the common weal in the pursuit of personal emolument ; it tends to form, it does form, we see that it has formed, a political combination, united by no common principles or opinions among its members, either upon the powers of the government or the true policy of the country, but held together simply as an association, under the charm of a popular head, seeking to maintain possession of the government by a *vigorous exercise of its patronage* ; and for this purpose agitating and alarming and distressing social life by the exercise of a tyrannical party proscription. Sir, if this course of things cannot be checked, good men will grow tired of the exercise of political privileges. They will have nothing to do with popular elections. They will see that such elections are but a mere selfish contest for office, and they will abandon the government to the scramble of the bold, the daring, and the desperate.

Three years subsequently he denounced the spoils system in the Senate, and, in discussing the appointing and removing power of the President, said,—

The unlimited power to grant office, and to take it away, gives a command over the hopes and fears of a vast multitude of men. It is generally true that he who controls another man's means of living, controls his will. Where there are favors to be granted, there are usually enough to solicit for them ; and, when favors once granted may be withdrawn at pleasure, there is ordinarily little security for personal independence of character. The power of giving office thus affects the fears of all who are in, and the hopes of all who are out. Those who are *out* endeavor to distinguish themselves by active political friendship, by warm personal devotion, by clamorous support of men in whose hands is the power of reward ; while those who are *in* ordinarily take care that others shall not surpass them in such qualities or such conduct as are most likely to secure favor.

They resolve not to be outdone in any of the works of partisanship. The consequence of all this is obvious. A competition ensues, not of patriotic labors, not of rough and severe toils for the public good, not of manliness, independence, and public spirit, but of complaisance, of indiscriminate support of executive measures, of pliant subserviency and gross adulation. All throng and rush together to the altar of man-worship, and there they offer sacrifices, and pour out libations, till the thick fumes of their incense turn their own heads, and turn, also, the head of him who is the object of their idolatry.

And in the course of the same speech he placed the question of civil service on its true grounds, when he affirmed that the civil offices of the government should not be the mere instrumentalities of the Administration, or converted into mere rewards for party services, any more than the offices of the military and naval branches.

This proposition should of course be stated with important qualifications, so as to permit a change in the governmental policy, to be executed by officials whose sentiments were in accord with the reforms proposed, not as rewards or punishments for individual opinions, but as agencies to execute well-settled public opinion.

The underlying theory of our government, that the will of the majority, legally expressed, shall be represented and shall control in the administration of public affairs, should not suffer obstruction from the opinions of any set of office-holders.

The incident must follow the principal, and obstruction to the expressed will of the majority would be just cause for the substitution of other agents to secure its execution.

Said Mr. Webster, in February, 1835,—

It is necessary to bring back public officers to the conviction that they belong to the country, and not to any administration, nor to any one man. The army is the army of the country ; the navy is the navy of the country ; neither of them is either the mere instrument of the administration for the time being, nor of him who is at the head of it. The post-office, the land-office, the custom-house, are in like manner institutions of the country established for the good of the people ; and it may well alarm the lovers of free institutions, when all the offices in these several departments are spoken of in high places as being but “spoils of victory,” to be enjoyed by those who are successful in a contest in which they profess this grasping of the spoils to have been the object of their efforts.

The great mass of official duties under our system are simply ministerial, the performance of which is no more affected by a man’s political opinion than by his religious tenets.

The judicial powers of the Constitution are expressly vested during the good behavior of the judges, whose pecuniary independence of popular will is additionally secured. This would leave therefore a comparatively small number of those leading and controlling officers in which the political opinions of the incumbent should accord with the policy of the Executive, in favor of which public opinion had been expressed, and whose removal could justly take place on such grounds.

In 1841, when Mr. Webster first filled the office of Secretary of State, he had occasion to appoint a commission to inquire into the condition of certain public buildings then in the course of erection ; and he issued instructions showing that he proposed to

carry into practice the methods he had recommended to an opposing Administration. Said he,—

You will inquire into no man's political opinions or preferences ; but if it be alleged that any person having power either in employing or dismissing laborers, with any reference to the political opinions of those who may have been employed or 'dismissed, or for any political or party object whatever, or in any *other way*, *has violated his duty for party or electioneering purposes*, you will inquire into the truth of such accusation, and make report to me.

To such principles of administration must the American people return, if they hope to see such men as Webster in the public service. Such a character as his, and a man holding such views, would create consternation nowadays in a convention composed of the spoilsmen of politics.

The evil is deeply seated and difficult of extirpation. Its fatal consequences I do not believe are overestimated or overstated ; and, speaking not without practical knowledge of the effect upon the whole framework of our government in all of its three great departments, I aver my belief that unless an end shall soon be put to the system under which at every election the offices of the country are, to use the words of Webster, "claimed by the right of party conquest," and have that claim allowed, we shall lose even our form of government, of which, long before, the substance will have disappeared.

Statesmanship is impossible with men whose only thought and occupation is official brokerage, and who administer the powers of official patronage not by the measure of the applicant's character, ability, or

fitness to perform the duties of the place, but by his servility and unscrupulous devotion to the objects of the political conspiracy into which he has been admitted.

“Never forget [wrote Macaulay to his constituents, when leaving for India] that the worst and most degrading species of corruption is the corruption which operates not by hopes but by fears.”

And once in office under the spoils system, the trembling possessor is induced to commit any act of unmanly servility in the fear that he will be dismissed. And for the same reasons he does not venture to disclose abuses going on around him, when to do so would subject him to certain and instant dismissal “for the good of the party.”

The operation of such exciting hopes and fears upon an unprincipled and morbid mind has had lately a fearful illustration, at which the nation still shudders;—but who shall say that the utter demoralization and destruction of the better nature of men, by politics under the spoils system, did not find a natural outcome in the murdér,—under a confusion of hope and revenge concerning office,—of a blameless and patriotic President?

Sentences to beggary and distress, to which death would be almost a relief, have been not infrequent, under the form of dismissal from minor offices, for no other cause than to carry out the system that converts public trusts of power into the spoils of party conquest.

Mr. Webster was remarkable not only for the eloquence and power of his speeches, but for the

candor and honorable frankness with which he expressed himself. The intent is transparent in all he ever said or wrote, that he always felt himself bound to give his real opinions, and these well considered, to his countrymen.

The fidelity and earnestness of his character are made the more apparent by a study of his works ; and there is scarcely a public question of his day in regard to which he did not express opinions. To them it will be well for his countrymen to recur.

The subject of banking and the still more important question of the currency, and the principles that should control Congress in dealing with both, form a valuable feature in his speeches and writings.

I cannot omit his true and manly words to the laboring masses of his countrymen,—those upon whom the burdens of an unsound or vicious currency so hardly and inevitably fall, and whose daily wants must be procured and paid for by their daily toil,—whose want of knowledge causes them so easily to be misled by plausible demagogues, against whom he uttered his warning in 1834 :

Sir, the very man, of all others, who has the deepest interest in a sound currency, and who suffers most by mischievous legislation in money matters, is the man who earns his daily bread by his daily toil. A depreciated currency, sudden changes of prices, paper money, falling between morning and noon, and falling still lower between noon and night,—these things constitute the very harvest-time of speculators, and of the whole race of those who are at once idle and crafty ; and of that other race, too, the Catilines of all times, marked, so as to be known forever by one stroke of the historian's pen, *those greedy of other men's property and prodigal of their own.* Capitalists, too, may

outlive such times. They may either prey on the earnings of labor by their *cent. per cent.*, or they may hoard. But the laboring man, what can he hoard? Preying on nobody, he becomes the prey of all. His property is in his hands. His reliance, his fund, his productive freehold, his all, is his labor. Whether he work on his own small capital or another's, his living is still earned by his industry; and when the money of the country becomes depreciated and debased, whether it be adulterated coin, or paper without credit, that industry is robbed of its reward. He then labors for a country whose laws cheat him out of his bread. I would say to every owner of every quarter-section of land in the West, I would say to every man in the East who follows his own plow, and to every mechanic, artisan, and laborer in every city in the country,—I would say to every man, everywhere, who wishes by honest means to gain an honest living, "Beware of wolves in sheep's clothing." Whoever attempts under whatever popular cry to shake the stability of the public currency, bring on distress in money matters, and drive the country into the use of paper money, stabs your interest and your happiness to the heart.

Of the value of public credit, and its uses and necessities, no one was more fully aware than Mr. Webster; and he comprehended the jealousy with which every suggestion of dishonor, every tampering with the strict terms of public obligation, should be regarded.

When he wrote to the house of Baring in 1839 conveying his opinion upon the responsibility of the States of the Union for the loans they might severally contract, and their freedom from Federal compulsion to pay such debts, he concluded with some observations which it would be well if they were better heeded in certain quarters in our day, when not only do States seem unconscious of the fatal consequences to the material prosperity and moral tone of

their people, of a disregard of plighted faith, and a public repudiation of just debts, but restless and demagogical leaders are encouraged from without by official patronage and schemes for political power, to debauch public opinion and plant the foul ulcer of popular faithlessness and repudiation in the bosom of the commonwealth.

I believe that the citizens of the United States, like all honest men, regard debts, whether public or private, and whether existing at home or abroad, to be of moral as well as legal obligation, and I trust I may appeal to their histories, from the moment when these States took their rank among the nations of the earth, to the present time, for proof that this belief is well founded.

If it were possible that any one of the States should at any time so entirely lose her self-respect and forget her duty as to violate the faith solemnly pledged for her previous engagements, I believe there is no country upon earth, not even that of the injured creditor, in which such a proceeding would meet with less countenance or indulgence than it would receive from the great mass of the American people.

Of all the attributes of political sovereignty, that of imposing taxation is perhaps the most comprehensive of any vested in human government; and as the exigencies of a government cannot be prescribed, no limits can be ordained except those which wisdom, discretion, and conscience shall dictate.

The "power to tax," said Chief-Justice Marshall, "is a power to destroy;" and another distinguished judge (Cooley) writes,—

At no point does the power of government more constantly and intimately affect all the relations of life than through this power.

It touches property in all its forms, and humanity in all its conditions, and levies upon the hoards of the miser and the scant earnings of the laborer. As to the knock of Pale Death himself, the palace of the richest and the cabin of the poorest must open at the summons of the tax-gatherer. "Taxes," said a distinguished jurist of Maine, "are levied to secure the public duties and relieve public necessities."

The exercise of this great and all-pervading prerogative tests the capacity of man's mental and moral power to its utmost. It discloses how far the spirit of justice can prevail in human affairs.

In all forms of government this power is essential—and in all essentially the same;—in an absolute or limited monarchy, in the hereditary empire, in the free elective republic, *somewhere*, under each, must this vast power be deposited, and under some forms must be exercised.

The unequal and inequitable exercise of this chief power has been the cause of nearly every popular revolt in the history of the world.

The problem of its adjustment will confront every generation of men; and in the wonderful development and creation and eager pursuit of material wealth in this favored land, the demand for statesmanship, moral courage, unselfishness, and wisdom, in dealing with this great subject, was never so loud and clear as it is to-day. As the prize grows in value, the contest to obtain it grows in vigor; and the restraining forces of laws, founded in absolute and even-handed justice between man and man, are needed now as never before.

The tariff system of levying import duties upon foreign merchandise is to-day before the people of the United States for consideration, and I regard it, all in all, as the most profoundly important question of the day, to the peace, progress, and welfare of our people.

In our National Legislature, in which the power of taxation is vested, we find the Representatives of over fifty millions of people living within an area of territory more diversified in its climate, soils, productions, and capacities, more variant in the habits, tastes, traditions, occupations, and characteristics of its population, than are, or ever were, embraced under any conterminous and unified government known in history. Over such a country, for such vast and varied interests, for such a people, active, intelligent, energetic, and free, is the mighty and sovereign power of taxation to be exercised.

Discontents in our past history and the sharp antagonisms of local interests instruct us in the great difficulty of the task that to-day calls for moral courage and intellectual power, for lofty and unselfish qualities of mind and heart, and beckons statesmen and patriots to come to the front, and points hucksters and jobbing politicians to the rear.

Fellow-countrymen, as Mr. Webster said in his first address at Bunker Hill,—

Let our conceptions be enlarged to the circle of our duties. Let us extend our ideas over the whole of the vast field in which we are to act.

This reference to the powers of taxation and the

tariff system leads me to refer to Mr. Webster's views on the subject.

I shall make no attempt to mould the variant expressions of his views on this subject into a consistent form.

I am unable, however, to see how any one can doubt that Mr. Webster gave to, and never withdrew the assent of his great mind from, the doctrines of trade enunciated by Adam Smith, and sustained by the school of English economists of whom Mr. Huskisson was one of the earliest, ablest, and most distinguished. No one who reads the speeches of Mr. Webster, delivered in the House of Representatives in 1816 and 1824, and his speech in Faneuil hall on October 2d, 1820, can doubt that he believed and maintained that no objection ought ever to be made to taxes equally apportioned and imposed for the purpose of raising revenue necessary for the support of the government, but that taxes imposed on the people for the benefit of any one class of men are equally inconsistent with the principles of our Constitution, and with sound policy; and that he did not believe that Congress possessed the power of turning the *incident* into the *principal*, and, instead of leaving manufacturers to the protection of such laws as should be passed with a primary view to revenue, of enacting laws with the avowed object of giving preference to particular manufacturers with an entire disregard to all considerations of revenue.

That with the progress of investments in manufactures in New England, and their consequent growth

and development, Mr. Webster was induced by the most natural local influences to modify his views and expressions, is undoubtedly true, and I know no franker or juster defence against the charge of inconsistency than is contained in his second speech in the Senate on Foot's resolution, in 1832 :

I said then [1816, 1820, and 1824], and I say now, that *as an original question* the authority of Congress to exercise the revenue power, with direct reference to the protection of manufacturers, is of questionable authority, more questionable, in my judgment, than the power of internal improvements.

No adjustment of the tariff laws, which overlooks the system of taxation under which capital for several generations has been invested and labor instructed and induced to apply its powers in special pursuits, will be either wise or just; and, in the reorganization of our tax systems, excise and impost, to meet the new and modern conditions of commerce, navigation, manufacture, and agriculture, with all the innovations and sweeping changes wrought by the discoveries and applications of steam, electricity, and mechanical inventions, let us hope that great minds, capable of comprehending the vast and varied interests of this broad land, and its busy millions of people, will be employed and sustained by popular sentiment in the great task of settling, without fear or favor, the revenues and taxation of the Union upon the immutable basis of justice and equity to all sections and classes of our fellow-countrymen.

In all its forms the production of wealth goes on,

and the contest for the enjoyment of the results and profits grows apace in eagerness and intensity. The twin workers, Capital and Labor, stand in the field of their joint triumphs surrounded by proofs of their joint success, but with opposing fronts, each guarding its separate interests with jealous, and, alas! too often with angry eyes.

The fruits of their joint operations are abundant, and, distributed with reasonable equity, would yield ample compensation to all. Why, then, shall not equity be applied, and the real and true unity of their interests be admitted, and its laws heeded and obeyed by both? In a land where all men are equal before the law, and thought and action so free, may we not hope that intelligence and good feeling will be the arbiters, and solve the problem in which passion, greed, and ignorance are playing so sad and influential a part.

Sure am I, that, sooner or later, men must fall back upon the great moral laws of their being and origin, and find in a heaven-born sense of human brotherhood the true solution and a common ground upon which the rich and the poor, the capitalist and the laborer, can meet and compose their differences.

It is when such questions are to be solved and such difficulties are presented that the American people involuntarily turn to the name and fame and teachings of such a patriot as Webster, in the belief that in the spirit of truth, philosophy, and justice, which were his guides, lie our best hopes for wisdom and prudent counsel.

Although I am painfully conscious of the incom-

pletteness of this attempt to revive and review the public career of such a man as Webster, and greatly as I regret the interference of other duties and occupations with my efforts to obtain the time needful for a just performance of the work, yet I cannot end this address, already so prolonged, without reference to the religious basis of Mr. Webster's character, and which throughout his life disclosed itself with such impressiveness.

It is well to recall some utterances of his on this subject, at a time when Infidelity boastfully challenges public attention ; when the flippant scoffs of impiety are so often heard amid applause and laughter in crowded lecture-rooms ; when blasphemy, thinly disguised in the robes of slangy wit and irreverent humor, finds large and remunerative audiences ; when the hope and trust of the disconsolate and the weary are sought to be undermined by shallow sophistries ; and belief in a blessed immortality illumined by the rays of a divinely revealed religion is laughed at as a monkish fiction by those who assume to speak above the grave, and yet deny the life beyond it ;— in such a season it is refreshing and invigorating to read the declaration of a simple, sincere, and catholic creed, made from time to time by this true counsellor of his countrymen.

In his argument in the Girard will case he declared,—

The ground taken is, that religion is not necessary to morality ; that benevolence may be insured by habit ; and that all the virtues may flourish, and be safely left to flourish, without touching the waters of the living spring of religious responsibility.

Why, sir, it is vain to talk about the tendency of such a system: to argue upon it is to insult the understanding of any man: it is mere low, ribald, vulgar deism and infidelity. It opposes all that is in Heaven, and all on earth that is worth being on earth. It destroys the connecting link between the creature and the Creator: it opposes that great system of universal benevolence that binds man to his neighbor.

And in the course of the same speech he again burst forth:

There is nothing that we look for with more certainty than this general principle, that Christianity is part of the law of the land. This was the case among the Puritans of New England, the Episcopalians of the Southern States, the Pennsylvania Quakers, the Baptists, the mass of the followers of Whitefield and Wesley, and the Presbyterians. All brought and all adopted this great truth, and all have sustained it. And where there is any religious sentiment amongst men at all, this sentiment incorporates itself with the law. *Everything declares it.* The massive cathedral of the Catholic; the Episcopalian church, with its lofty spire pointing heavenward; the plain temple of the Quaker; the log church of the hardy pioneer of the wilderness; the mementoes and memorials around and about us; the consecrated graveyards, their tombstones and epitaphs, their silent vaults, their mouldering contents, all attest it. *The dead prove it as well as the living.* The generation that are gone speak to it, and pronounce it from the tomb. We feel it. All, all proclaim that Christianity, general, tolerant Christianity, Christianity independent of sects and parties, that Christianity to which the sword and fagot are unknown, general, tolerant Christianity, is the law of the land.

Finis coronat opus. I have touched now the highest topic of his life. The religious faith he thus proclaimed in the fulness of his vitality and powers continued with him through life, and sustained him in the hour of death.

His last memorable words were uttered in a tone of soliloquy—a response of his fading senses to his self-inquiry—“I still live.”

Well will it be for his country if these words shall be preserved in the hearts of its people, and their part shall be done, to see that Webster and his life, the greatness of his mind and heart, shall “still live,” and be handed down from generation to generation, for admiration, gratitude, and imitation.

A close inquisition into Mr. Webster’s weaknesses or faults is happily not for me; nor to dispel the shadows which defamation and detraction cast upon his pathway.

He had ambition, but it was ambition to serve his country, and in her highest seat of power. For this he sought power, and knew, as Bacon did, that

Power to do good is the true and lawful end of aspiring; for good thoughts, though God accept them, yet, toward men, are little better than good dreams, except they be put in act, and that cannot be done without power and place as the vantage and commanding ground.

He was a marvellous production, the very fruit and flower of our republican institutions, and he trod with majestic step the avenues so freely open to all, which lead in this free land from poverty and obscurity to the topmost heights of power and distinction.

A kingly intellect throbbed beneath his republican brow, and proclaimed its strength and dignity throughout his life, and now.

He is gathered to the kings of thought,
Who waged contention with their times’ decay,
And of the past are all that cannot pass away.

The veil which hides from our eyes the future, no doubt conceals in mercy many an assault upon the peace, law, and liberty of the land we love; and in the misty foreground of the future I fear there are dimly to be discerned forms and shapes of evil. But we must stand, as the father of Webster stood, "a minute man," ready for our country's defence, fortified, enlarged, and refreshed by the memories and counsel of our great countryman, in whose honor I have spoken to-day.

Tho' world on world in myriad myriads roll
Round us with different powers,
And other forms of life than ours,
What know we greater than the soul ?
On GOD and GOD-LIKE MEN we build our trust.

29 - drawn

55 - End

58 - 11

